

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

ELLA WRIGHT, BY AND THROUGH HER
DAUGHTER AND NEXT FRIEND RITA
WILLIAMS, ON BEHALF OF THE
WRONGFUL DEATH BENEFICIARIES
AND AS ADMINISTRATOR OF THE
ESTATE OF ELLA WRIGHT

PLAINTIFF

VS

CIVIL ACTION NUMBER: 5:06-CV-169-DCB-JMR

MARINER HEALTH CARE, INC. F/K/A MARINER
POST-ACUTE NETWORK, INC.; MARINER
HEALTH GROUP, INC.; NATIONAL HERITAGE
REALTY, INC.; MARINER HEALTH CARE
MANAGEMENT COMPANY; THOSE
OPERATING SUBSIDIARIES OF MARINER
HEALTH CARE, INC. AND MARINER HEALTH
GROUP CONNECTED WITH THE OWNERSHIP
OR OPERATION OF YAZOO CITY HEALTH &
REHABILITATION CENTER; SANDRA
WOODBERRY; JOHN DOE ADDITIONAL
OWNERS 1 THROUGH 10; JOHN DOE
MANAGEMENT COMPANIES 11 THROUGH 20;
JOHN DOE NURSING HOME PERSONNEL
CONTRACTORS 21-30; JOHN DOE
CONSULTANTS 31-40; JOHN DOE
ADMINISTRATORS 41-50; JOHN DOE
DIRECTORS OF NURSING 51-60; JOHN DOE
MEDICAL DIRECTORS 61-70; JOHN DOE
ASSESSMENT NURSES 71-80; JOHN DOE
NURSES 81-100; JOHN DOE DIETICIANS 101-
120; JOHN DOE DIRECT CARE WORKERS 121-
180; JOHN DOE LICENSEES, GOVERNING
BOARD MEMBERS AND MANAGERS 181-200;
UNSPECIFIED JOHN DOES 201-225

DEFENDANTS

AGREED ORDER OF DISMISSAL

THIS DAY this cause came on at the request of the parties for the dismissal of Count

Fifteen [Fraud] of plaintiff's amended complaint with prejudice, in the above entitled action,

and the Court having been advised that the plaintiff and all other parties are in agreement to this dismissal, finds that it is well-taken and should be granted.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Count Fifteen [Fraud] of plaintiff's amended complaint, be and is hereby dismissed with prejudice from the above styled and numbered cause with each party to bear their own respective costs and expenses.

SO ORDERED this the 29th day of October, 2007.

s/ David Bramlette
U.S. District Judge

AGREED TO AS TO FORM AND CONTENT:

/s/ George F. Hollowell, Jr. [by permission]
George F. Hollowell, Jr., Esquire [MSB# 2559]
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ATTORNEY FOR DEFENDANTS, MARINER HEALTH CARE, INC.; MARINER HEALTH GROUP, INC.; NATIONAL HERITAGE REALTY, INC.; MARINER HEALTH CARE MANAGEMENT COMPANY; MARINER HEALTH CARE, INC.; MARINER HEALTH GROUP; YAZOO CITY HEALTH AND REHABILITATION CENTER; AND SANDRA WOODBERRY